

REMARKS

Claims 1 - 18 are pending in the present application. Claims 19 – 21 were previously canceled.

In section 3 of the Office Action, claims 1, 7 and 13 are rejected under 35 U.S.C. 112, second paragraph as being incomplete for omitting a primary log and a secondary log. Applicant amended claims 1, 7 and 13 (a) to omit the phrases primary log and secondary log, as such phrases do not appear to be necessary for patentability, and (b) to recite a relationship between all of the elements of the claims. Applicant respectfully requests reconsideration and withdrawal of the section 112 rejection of claims 1, 7 and 13.

In section 4 of the Office Action, claims 1 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,832,515 to Ledain et al. (hereinafter “the Ledain et al. patent”). The application contains three independent claims, namely claims 1, 7 and 13. Applicant amended claims 1, 7 and 13 to clarify a recital of features that are neither described nor suggested by the Ledain et al. patent.

Claim 1 provides a method for enabling improved access to data from a computer memory system during a data recovery operation. The computer memory system has the data in a first log, and a copy of said data in a second log. The method includes (a) responding to a process request to read the data from the first log, by determining a parameter indicative of demand for access to read the first log, and (b) assigning the process to read the copy of the data from the second log if the parameter has reached a threshold value. The process is one of a plurality of processes concurrently attempting to read the first log during the data recovery operation.

Page 3 of the Office Action suggests that in the Ledain et al. patent, a passage at col. 21, lines 35 – 39 is descriptive of responding to a process request to read the data from the first log, by determining a parameter indicative of demand for access to read the first log, as recited in claim 1. However, the cited passage states:

When a request is received to read a data block from a main filesystem whose entry points have been stolen, the log device pseudo-device driver 61 is required to determine whether the requested data block is currently stored on the log device disks 52.

Applicant respectfully submits that a determination of **whether a requested data block is currently stored on a log device disk** is not descriptive or suggestive of a **parameter indicative of demand for access to read the first log**, as recited in claim 1.

Thereafter, page 3 of the Office Action acknowledges that the Ledain et al. patent does not explicitly indicate assigning a process to another copy of a log if a parameter has reached a threshold value. However, the Office Action asserts that the Ledain et al. patent suggests this feature with a disclosure (a) that relocation information is examined to determine whether any particular log block has been relocated through cleaning in excess of a threshold number of relocations (col. 30, lines 19 – 24), and (b) that once a log disk has reached a filled segment threshold, the head of the logical log wraps to the next log disk in sequence (col. 29, lines 57 – 59).

Applicant respectfully submits that since the Ledain et al. patent expressly describes the relocation information as being indicative of whether a log block has been relocated through cleaning, the relocation information cannot be construed as being indicative of a demand to read the log block. Thus, whereas the Ledain et al. patent **does not explicitly indicate assigning a process to another copy of a log**, and whereas the Ledain et al. patent **expressly states that the relocation information is indicative of whether a log block has been relocated**, the Ledain et al. patent neither describes nor suggests responding to a process request to read said data from said first log, by determining a **parameter indicative of demand for access to read said first log**, as recited in claim 1.

Furthermore, regarding the Ledain et al. patent's disclosure of a logical wrap to a next log disk in sequence at col. 29, lines 57 – 59, the Ledain et al. patent also states, “[t]hus, the log structured device operates as a logically continuous circular buffer for data segments” (col. 29, lines 59 – 60). Applicant respectfully submits that **a logical wrap in a logically continuous circular buffer**, as disclosed in the Ledain et al. patent, is neither descriptive nor suggestive of **assigning the process to read said copy of said data from said second log if said parameter has reached a threshold value**, as recited in claim 1.

In view of the rationale provided above, Applicant respectfully submits that claim 1 is patentable over the Ledain et al. patent.

Independent claims 7 and 13 include recitals similar to that of claim 1, as described above. As such, Applicant submits that claims 7 and 13 are also patentable over the Ledain et al. patent.

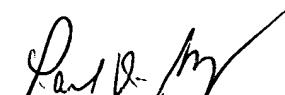
Claims 2 – 6 depend from claim 1, claims 8 – 12 depend from claim 7, and claims 14 – 18 depend from claim 13. Accordingly, claims 2 – 6, 8 – 12 and 14- 18 are also patentable over the Ledain et al. patent.

The present application is claiming priority of U.S. Provisional Application Serial No. 60/130,221, filed 20 APR 1999. The Examiner has not yet acknowledged this claim to priority. Applicant respectfully requests that the Examiner acknowledge this claim to priority in the next Office correspondence.

Additionally, the Examiner has not yet indicated whether the drawings are accepted or objected to. Applicant respectfully requests that in the next Office correspondence, the Examiner affirmatively indicate whether the drawings are accepted or objected to.

In view of the foregoing, Applicant respectfully submits that all claims presented in this application patentably distinguish over the prior art. Accordingly, Applicant respectfully requests favorable consideration and that this application be passed to allowance.

Respectfully submitted,



Paul D. Greeley, Esq.

Reg. No. 31,019

Attorney for the Applicant

Ohlandt, Greeley, Ruggiero & Perle, L.L.P.

One Landmark Square, 10th Floor

Stamford, CT 06901-2682

Tel: 203-327-4500

Fax: 203-327-6401

9-18-03
Date